



Appeal Decision

Site visit made on 28 June 2023

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 15th August 2023

Appeal Ref: APP/A1530/W/22/3313284

Caroline Court, Shrub End Road, Colchester, Essex CO3 4TB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Steven Colwell (Lexden Property Investments 2 Limited) against the decision of Colchester Borough Council.
 - The application Ref 222207, dated 29 August 2022, was refused by notice dated 24 October 2022.
 - The development proposed is to adapt an unauthorised store and convert to a one bedroom bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposed development includes alterations to an existing building, which the appellant acknowledges was erected without planning permission, into a 1-bedroom bungalow. This appeal has been assessed based upon the resulting bungalow rather than any consideration of the lawfulness of the existing building which is a matter for others to consider.

Main Issues

3. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the surrounding area and (b) the living standards of future occupiers.

Reasons

Character and Appearance

4. The area surrounding the appeal site is principally characterised by residential properties, including a linear form of development along the south side of Shrub End Road. There is some development in depth along the north side of the road but this is associated with dwellings fronting roads or shared drives rather than individual dwellings located within the rear gardens.
5. The proposed bungalow would be located to the rear of a plot located to the south of Shrub End Road which includes a 2-storey building containing 3-flats known as Caroline Court. To the rear of the building are parking spaces and communal amenity space.

6. By reason of siting, the proposed bungalow would be backland development which would not reflect nor respect the existing linear pattern of development which characterises the southern side of the road. Although there are examples of structures being located within near-by rear gardens, including 192 Shrub End Road, they are garages and other domestic outbuildings of utilitarian design rather than dwellings.
7. Further, as claimed by the Council, the appeal scheme would result in a cramped form of development within the plot associated with the reduction in the extent of the existing communal amenity space and an increase in the built form of development. The cramped nature of the development would be visible along the access drive. The spaciousness associated with the rear gardens and the extensive neighbouring playing fields would be adversely harmed by the scale and siting of the proposed bungalow to the rear of the plot. There would be a conflict with the guidance contained in the Council's *Supplementary Planning Document Backland and Infill Development* (SPD) concerning the residential over-development of the plot.
8. The Council has raised concerns about the design of the proposed bungalow which it is claimed would not reflect the architecture of the surrounding area nor the external materials. Although the timber cladding, rendered walls and red tiled roof would reflect the external materials of near-by dwellings, the Council's concerns are well founded because the proposed bungalow would have a utilitarian appearance, similar to other outbuildings, rather than represent a high standard of urban and architectural design which responds positively to local character as required by Policies SP7 and DM15 of the Colchester Borough Local Plan (LP).
9. On this issue it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area and, as such, it would conflict with LP Policies SP7 and DM15 and the SPD.

Living Standards

10. The proposed bungalow would be located to the rear of the plot adjacent to the parking area associated with Caroline Court and 2 other spaces which are at the rear of the neighbouring Post Office. The future occupiers of the proposed development would experience unacceptable noise and disturbance, such as the slamming of car doors and the starting of engines, associated with vehicular movements entering and exiting the parking spaces. Accordingly, there would be a conflict with LP Policy DM15 which seeks to protect and promote public and residential amenity, particularly with regard to noise, disturbance and pollution.
11. LP Policy DM19 expects all new residential development to provide easy access to a high standard of usable private amenity space with its size being informed by the needs of residents and the accessibility of the location. For a 1-bedroom house the private amenity area should be a minimum of 50sq m but for proposals in accessible locations, where higher densities may be appropriate, reduced garden sizes for houses may be acceptable but a minimum of 25sq m should be provided.
12. The appeal site edged red on the available drawings includes the entire plot and it is unclear from the plans and the Design and Access Statement what private amenity space would be available to the future occupiers of the

proposed bungalow. The appellant refers to the bungalow sitting in a plot of circa 126sq m and, with the exclusion of the proposed bungalow's footprint, it is claimed that there would be around 74sq m available for parking and amenity. However, the appellant also refers to there being an outlook from the proposed windows towards both private amenity space and communal garden which is to be shared with the occupiers of the existing flats.

13. From the drawings, there is an area of private amenity space associated with the proposed bungalow of about circa 16sq m in the southern corner of the plot. The extent of this area is less than either the 50sq m or 25sq m sought by LP Policy DM19. Further, and although there would be an outlook towards the neighbouring playing fields, the quality of the proposed amenity space would not be of a particularly high standard being substantially enclosed on 3-sides by the bungalow's walls and a fence.
14. For the reasons given, it is concluded that the proposed development would result in unacceptable living standards for future occupiers and, as such, it would conflict with LP Policies SP7, DM12, DM15 and DM19. In addition to the specific matters already identified, these policies also refer to high standards of design, construction and layout for housing proposals.
15. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR